

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

EUGENE ALLEN LINWOOD, JR.,

Petitioner,

vs.

DEPARTMENT OF CORRECTIONS;
PROBATION AND PAROLE;
YELLOWSTONE COUNTY
DETENTION CENTER; and
SHERIFF LINDER,

Respondents.

CV 20-91-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on pro se petitioner Eugene Allen Linwood, Jr.'s Amended Petition seeking habeas corpus relief. (Doc. 5). The Magistrate recommended that the petition be denied because Linwood failed to make a substantial showing that he was deprived of a constitutional right. (Doc. 6 at 7).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 6) are ADOPTED IN FULL.

IT IS FURTHER ORDERED

1. Linwood’s Amended Petition (Doc. 5) is DENIED;
2. The Clerk of Court shall enter judgment against Petitioner and in favor of Respondents; and
3. A certificate of appealability is DENIED.

DATED this 3rd day of May 2021.



SUSAN P. WATTERS
United States District Judge